

1 HONORABLE RONALD B. LEIGHTON
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 In re:
11 MERIDIAN SUNRISE VILLAGE, LLC,
12 Debtor.

14 MERIDIAN SUNRISE VILLAGE, LLC,
15 Plaintiff-Appellee,

16 v.

17 NB DISTRESSED DEBT INVESTMENT
18 FUND LIMITED; N.B. DISTRESSED
MASTER FUND, L.P.; STRATEGIC
19 VALUE SPECIAL SITUATIONS MASTER
FUND II, L.P.; BANK OF AMERICA
NATIONAL ASSOCIATION; and U.S.
20 BANK NATIONAL ASSOCIATION,

21 Defendants-Appellants.

USDC NO. 13-CV-05503-RBL
BANKRUPTCY NO. 13-40342-BDL
ADVERSARY NO. 13-04225-BDL
INTERNAL APPEAL NO. T-003

NOTICE OF RELATED CASE

23 Pursuant to Local Civil Rule 3(f), Appellants NB Distressed Debt Investment Fund
24 Limited, NB Distressed Debt Master Fund LP, and Strategic Value Special Situations Master
25 Fund II, L.P. (collectively, the “*Funds*”) hereby submit this Notice of Related Case.

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NOTICE OF RELATED CASE – 1
(13-CV-05503-RBL)

1 There is a related bankruptcy appeal styled *In re Meridian Sunrise Village, LLC*, USDC
2 No. 13-CV-05798-BHS, which is assigned to another judge of this Court, the Honorable
3 Benjamin H. Settle. That appeal is from the Bankruptcy Court’s Order Confirming Second
4 Amended Plan of Reorganization (the “***Plan Confirmation Order***”) entered in the Chapter 11
5 case that is associated with the adversary proceeding underlying this appeal. The Plan
6 Confirmation Order is based on the Bankruptcy Court’s determination in issuing the Preliminary
7 Injunction at issue in this appeal that the Funds (a) are not “Eligible Assignees” under the Loan
8 Agreement between Meridian and U.S. Bank National Association and (b) were therefore not
9 entitled to vote on Meridian’s plan of reorganization. Thus, both appeals concern the same
10 underlying legal issue and the same parties.

In light of these considerations, “it appears likely that there will be an unduly burdensome duplication of labor and expense or the potential for conflicting results if the [appeals] . . . are conducted before different judges.” Local Rules W.D. Wash. LCR 3(f)(2)(B). Accordingly, the Funds intend to file a Motion to Consolidate pursuant to Local Civil Rule 42, requesting that both appeals be consolidated under the first-filed case number (W.D. Wash. No. 13-CV-05503-RBL).

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18 DATED this 18th day of September 2013.

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STOEL RIVES LLP

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s/Hunter Ferguson

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**NOTICE OF RELATED CASE – 2
(13-CV-05503-RBL)**

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Bankruptcy Appeals (TAC)**
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DATED at Seattle, Washington, this 18th day of September 2013.

STOEL RIVES LLP

s/Hunter Ferguson

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Of Attorneys for NB Distressed Debt
Investment Fund Limited, NB Distressed Debt
Master Fund LP, and Strategic Value Special
Situations Master Fund II, L.P.

**NOTICE OF RELATED CASE – 3
(13-CV-05503-RBL)**